



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Christine L. Brakel, et al.)
Serial No.: 07/446,235) Group Art Unit: 1803
Filing Date: December 4, 1989) Examiner: Gary L. Kunz
For: Modified Nucleotide Compounds)

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GROUP 180

February 26, 1992
New York, New York

Honorable Commissioner
of Patents & Trademarks
Washington, D.C. 20231

SUPPLEMENTARY
INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§1.56 & 1.99

Dear Sirs:

Pursuant to the provisions of 37 C.F.R. §§1.56 and 1.99, Applicants, through their attorneys, wish to bring to the further attention of the U.S. Patent and Trademark Office and the Examiner handling their above-identified application, the following four (4) documents:

FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents & Trademarks Washington, D.C. 20231

Ronald C. Fedus
Reg. No. 32,567

2-26-92

Date

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Serial No. 07/446,235

Filed: December 4, 1989

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1. PCT International Publication No. WO 90/08838,
published on August 9, 1990 [Exhibit 1];

2. PCT International Publication No. WO 89/05358,
published on June 15, 1989 [Exhibit 2];

3. PCT International Publication No. WO 89/08146,
published on September 5, 1989 [Exhibit 3]; and

4. Quartin et al., "Number and distribution of
methylphosphonate linkages in oligodeoxynucleotides affect exo-
and endonuclease sensitivity and ability to form RNase II
substrates," Nucleic Acids Research 17:7253-7262 (1989) [Exhibit
4].

This Statement supplements Applicants' Information
Disclosure Statement Under 37 C.F.R. §§1.56 and 1.99 that was filed
concurrently with their May 31, 1991 Request for Reconsideration of
Restriction Requirement Under 37 C.F.R. §1.143.

Applicants are providing herewith a complete copy of
Documents 1-3 [Exhibits 1-3]. Because Quartin et al. [Exhibit 4] was
previously submitted with Applicants' May 31, 1991 Information
Disclosure Statement, only a copy of the first page of the article is
provided as an exhibit. Applicants have also provided a completed
Form PTO-1449 [Exhibit 5]. In the case of the first above-listed
document [Exhibit 1], Applicants wish to point out that under U.S.
patent law, PCT WO 90/08838 does not constitute prior art against

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any of the instantly pending claims because it bears a publication date (August 9, 1990) which is after the December 4, 1989 filing date of the instant application.

Applicants' undersigned attorney recently received the four above-listed documents [Exhibits 1-4] from their European associates in connection with the European search report for the corresponding European application [European Patent Application No. 90 12 3109.2, published as EP 0 431 523 on June 12, 1991].

Applicants respectfully request that the Examiner carefully consider each of the above-submitted documents and make them of record in the instant application.

It is submitted that none of these documents, which can be properly considered as prior art, discloses or suggests, alone or in any combination with each other or other documents previously cited or made of record, the invention claimed in this application.

No fee is due with this Supplementary Information Disclosure Statement. In the event, however, that any fee is deemed due, The U.S. Patent and Trademark Office is authorized to charge the amount of any such fee to Deposit Account No. 05-1135, and to credit any overpayment thereto.

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Favorable action on the merits is earnestly solicited.

Respectfully submitted,

FEBRUARY 26, 1992

Date



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